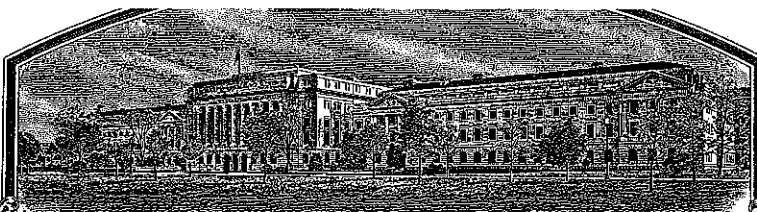


No.

200600235



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

*Syngenta Seeds, Inc.*

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR PROPAGATING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT, COMMON

'NuDakota'

*In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this sixth day of December, in the year two thousand and six.*

Attest:

Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

**U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE  
APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE**  
*(Instructions and information collection burden statement on reverse)*

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

*Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).*

1. NAME OF OWNER <b>Syngenta Seeds, Inc.</b>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER <b>BC97ROM-50W</b>		3. VARIETY NAME <b>NuDakota</b>	
4. ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country) <b>6515 Ascher Road Junction City, Kansas 66441</b>		5. TELEPHONE (include area code) <b>785-210-0218</b>		FOR OFFICIAL USE ONLY PVPO NUMBER <b>200600235</b> FILING DATE <b>July 13, 2006</b>	
		6. FAX (include area code) <b>785-210-0231</b>			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM ORGANIZATION (corporation, partnership, association, etc.) <b>Corporation</b>		8. IF INCORPORATED, GIVE STATE OF INCORPORATION <b>Delaware</b>		9. DATE OF INCORPORATION <b>2000</b>	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) <b>Dr. Rollin Sears 6515 Ascher Road Junction City, Kansas 66441</b>				FILING AND EXAMINATION FEES: \$ 3652. <sup>00</sup> ② 730. <sup>00</sup> DATE 7/13/06 ② 8/14/2006 CERTIFICATION FEE: \$ 768.00 DATE 10/13/06	
11. TELEPHONE (include area code) <b>785-210-0218</b>		12. FAX (include area code) <b>785-210-0231</b>		13. E-MAIL <b>rollin.sears@agripro.com</b>	
14. CROP KIND (Common Name) <b>Hard White Winter Wheat</b>		16. FAMILY NAME (Botanical) <b>Gramineae</b>		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
15. GENUS AND SPECIES NAME OF CROP <b>Triticum aestivum</b>		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)				20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input checked="" type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input type="checkbox"/> NO (If "no", go to item 23) 21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED 22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)				24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER  <b>Dr. Rollin Sears</b>			SIGNATURE OF OWNER		
NAME (Please print or type) <b>Dr. Rollin Sears</b>			NAME (Please print or type)		
CAPACITY OR TITLE <b>R&amp;D Manager</b>		DATE <b>6/9/06</b>		CAPACITY OR TITLE	
				DATE	

(See reverse for instructions and information collection burden statement)

will be held in the PVPO for not more than 90 days, then returned to the applicant as unfiled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvp.htm>

200600235

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that name has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, 10301 Baltimore Avenue, Suite 401 NAL Building, Beltsville, MD 20705. Telephone: (301) 504-5682 <http://www.ams.usda.gov/lsg/seed.htm>.

#### ITEM

- 19a. Give:
- (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
  - (2) the details of subsequent stages of selection and multiplication;
  - (3) evidence of uniformity and stability; and
  - (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
  - (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
  - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (*See Regulations and Rules of Practice, Section 97.103*).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

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#### 22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

The variety 'NuDakota' will be constituted from Breeders seed, and proceed through Foundation, Registered and Certified in succeeding generations. Generations which may be multiplied will be limited to Breeders seed, Foundation, Registered and Certified.

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#### 23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

Limited quantities of Foundation seed were made available in September of 2005. Certified seed stocks of NuDakota will be available in the Fall of 2006.

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#### 24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

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**NOTES:** It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (*See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.*)

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According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

***Exhibit A.***  
***Origin and Breeding History of NuDakota***

NuDakota is derived from a bulk population derived from the cross Jagger/Romanian Bulk. Jagger is a hard red winter wheat released by Kansas State University in 1994. Romanian Bulk is a composite selection derived from the following Romanian experimental lines: F135U8-01, F508U3-2, F474S7-110, F480T1-H2, F353-32, F3080-2-231, F3093-111, F286P1-111. F2 seed of all the above Romanian experimental lines, each crossed with Jagger were bulked together. The Romanian experimental lines were obtained from Dr. Nick Saulescu at the Fundulea Wheat Research Station in Calarasi, Romania. The cross was made in 1997 and the F1 grown in the greenhouse in 1998. F2 seed was planted at BellePlaine, KS in 1999 and heads selected based upon disease resistance and plant height. F3 head rows were planted at Humboldt Creek, KS in 2000 and BC97ROM-50W was selected based upon disease resistance, plant height and white seed color. BC97ROM-50W was tested in preliminary trials in 2001, advanced trials (5 locations) in 2002, and elite trials (12 locations) in 2003-2005 by AgriPro. It was tested in USDA regional trials (SRPN & NRPN) in 2005.

In 2004 twenty-four 70' progeny plots were grown in Eaton, Colorado. These progeny plots were evaluated for phenotypic uniformity and bulk harvested to produce 1,204 pounds of Breeders seed. In 2005 a 1.8 acre Breeders seed increase was grown in Eaton Colorado which produced 6,746 pounds of Foundation seed.

NuDakota has been uniform and stable since 2004. Less than 0.8% of the plants were rogued from the Breeders seed increase in 2005. Approximately 90% of the rogued variant plants were taller height wheat plants (8 to 15 cm), 5% were awnless wheat plants and 5% were bronze chaffed wheat plants. Up to 1% variant plants may be encountered in subsequent generations. A red seed variant has been identified in the Breeders seed and production plots and up to 0.8% may be encountered in subsequent generations.

***Exhibit B.***  
***Statement of Distinctness***

NuDakota most similar to the hard red winter wheat 'Jagger'. However it can be distinguished by the following characteristics:

- NuDakota has an oblique shoulder shape (Eaton, Colorado 2004; Lucerne, Colorado 2005). Jagger has a rounded shoulder shape (Lucerne, Colorado 2004-2005).
- NuDakota has long hairs on the seed brush (Eaton, Colorado 2004; Lucerne, Colorado 2005). Jagger has medium length hairs on the seed brush (Lucerne, Colorado 2004-2005).
- The seed brush on NuDakota occupies a large area on the seed tip (Eaton, Colorado 2004; Lucerne, Colorado 2005). The seed brush on Jagger occupies a medium area on the seed tip (Lucerne, Colorado 2004-2005).
- NuDakota has a white head color at maturity (Eaton, Colorado 2004; Lucerne, Colorado 2005). Jagger has a bronze (tan) head color at maturity (Lucerne, Colorado 2004-2005).
- NuDakota has a shallow seed crease depth (Eaton, Colorado 2004; Lucerne, Colorado 2005). Jagger has middeep seed crease depth (Lucerne, Colorado 2004-2005).
- NuDakota has a middense head density (Eaton, Colorado 2004; Lucerne, Colorado 2005). Jagger has a lax head density (Lucerne, Colorado 2004-2005).

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE DIVISION  
BELTSVILLE, MARYLAND 20705

EXHIBIT C  
(Wheat)

OBJECTIVE DESCRIPTION OF VARIETY  
WHEAT (*Triticum* Spp.)

NAME OF APPLICANT(S) <b>Syngenta Seeds, Inc.</b>	FOR OFFICIAL USE ONLY PVPO NUMBER <b>200600235</b>
ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) <b>6515 Ascher Road Junction City, Kansas 66441</b>	NAME OR EXPERIMENTAL DESIGNATION <b>NuDakota</b>

Place the appropriate number that describes the varietal character of this variety in the boxes below.  
Place a zero in the first box when number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized standard may be used to determine plant colors; designate system used.  
Please answer all questions for your variety; lack of response may delay progress of your application.

1. KIND:

1=Common 2=Durum 3=Club 4=Other (specify) \_\_\_\_\_

2. VERNALIZATION:

1=Spring 2=Winter 3=Other (specify) \_\_\_\_\_

3. COLEOPTILE ANTHOCYANIN:

1=Absent 2=Present

4. JUVENILE PLANT GROWTH:

1=Prostrate 2=Semi-erect 3=Erect

5. PLANT COLOR (boot stage):

1 = Yellow-Green 2 = Green 3 = Blue-Green

6. FLAG LEAF (boot stage):

1 = Erect 2 = Recurved

1 = Not Twisted 2 = Twisted

7. EAR EMERGENCE:

Number of Days Earlier Than \_\_\_\_\_ \*

Number of Days Later Than Jagger \*

8. ANTER COLOR:

1 = YELLOW 2 = PURPLE

9. PLANT HEIGHT (from soil to top of head, excluding awns):

cm Taller Than Equal to Jagger \*

cm Shorter Than \_\_\_\_\_ \*

\* Relative to a PVPO-Approved Commercial Variety Grown in the Same Trial

200600235

## 10. STEM:

## A. ANTHOCYANIN

☒ 1 = Absent    2 = Present

## B. WAXY BLOOM

☒ 2 = Absent    2 = PresentC. HAIRINESS (*last internode of rachis*)☒ 2 = Absent    2 = PresentD. INTERNODE (*specify number*)☒ 1 = Hollow    2 = Semi-solid    3 = Solid

## E. PEDUNCLE

☒ 1 = Erect    2 = Recurved☒ 1 ☐ 0 cm Length11. HEAD (*at Maturity*):

## A. DENSITY

☒ 2 = Lax    2 = Middense    3 = Dense

## B. SHAPE

☒ 2 = Tapering    2 = Strap    3 = Clavate    4 = Other (*specify*)

## C. CURVATURE

☒ 1 = Erect    2 = Inclined    3 = Recurved

## D. AWNEDNESS

☒ 4 = Awnless    2 = Apically Awnletted    3 = Awnletted    4 = Awned12. GLUMES (*at Maturity*):

## A. COLOR

☒ 1 = White    2 = Tan    3 = Other (*specify*)

## B. SHOULDER

☒ 2 = Wanting    2 = Oblique    3 = Rounded    4 = Square    5 = Elevated    6 = Apiculate

## C. BEAK

☒ 3 = Obtuse    2 = Acute    3 = Acuminate

## D. LENGTH

☒ 2 = Short (ca. 7mm)    2 = Medium (ca. 8mm)    3 = Long (ca. 9mm)

## E. WIDTH

☒ 2 = Narrow (ca. 3mm)    2 = Medium (ca. 3.5mm)    3 = Wide (ca. 4mm)

## 13. SEED:

## A. SHAPE

☒ 3 = Ovate    2 = Oval    3 = Elliptical

## B. CHEEK

☒ 1 = Rounded    2 = Angular

## C. BRUSH

☒ 3 = Short    2 = Medium    3 = Long☒ 1 = Not Collared    2 = Collared

## D. CREASE

☒ 1 = Width 60% or less of Kernel  
2 = Width 80% or less of Kernel  
3 = Width Nearly as Wide as Kernel☒ 1 = Depth 20% or less of Kernel  
2 = Depth 35% or less of Kernel  
3 = Depth 50% or less of Kernel

200600235

## 13. SEED: (continued)

## E. COLOR

☒ 1 = White    2 = Amber    3 = Red    4 = Other (specify) \_\_\_\_\_

## F. TEXTURE

☒ 1 = Hard    2 = Soft

## G. PHENOL REACTION (see instructions):

☒ 0 = Ivory    2 = Fawn    3 = Light Brown    4 = Dark Brown    5 = Black

## 14. DISEASE: (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

<input checked="" type="checkbox"/> 2 Stem Rust ( <i>Puccinia graminis</i> f. sp. <i>tritici</i> ) Field races	<input checked="" type="checkbox"/> 2 Leaf Rust ( <i>Puccinia recondita</i> f. sp. <i>tritici</i> ) Field races
<input checked="" type="checkbox"/> 2 Stripe Rust ( <i>Puccinia striiformis</i> )	<input checked="" type="checkbox"/> 0 Loose Smut ( <i>Ustilago tritici</i> )
<input checked="" type="checkbox"/> 4 Tan Spot ( <i>Pyrenophora tritici-repentis</i> )	<input checked="" type="checkbox"/> 0 Flag Smut ( <i>Urocystis agropyri</i> )
<input checked="" type="checkbox"/> 0 Halo Spot ( <i>Selenophoma donacis</i> )	<input checked="" type="checkbox"/> 0 Common Bunt ( <i>Tilletia tritici</i> or <i>T. laevis</i> )
<input checked="" type="checkbox"/> 0 <i>Septoria nodorum</i> (Glume Blotch)	<input checked="" type="checkbox"/> 0 Dwarf Bunt ( <i>Tilletia controversa</i> )
<input checked="" type="checkbox"/> 0 <i>Septoria avenae</i> (Speckled Leaf Disease)	<input checked="" type="checkbox"/> 0 Karnal Bunt ( <i>Tilletia indica</i> )
<input checked="" type="checkbox"/> 4 <i>Septoria tritici</i> (Speckled Leaf Blotch) Field races	<input checked="" type="checkbox"/> 0 Powdery Mildew ( <i>Erysiphe graminis</i> f. sp. <i>tritici</i> ) Field races
<input checked="" type="checkbox"/> 0 Scab ( <i>Fusarium</i> spp.)	<input checked="" type="checkbox"/> 0 Snow Molds
<input checked="" type="checkbox"/> 0 Black Point (Kernel Smudge)	<input checked="" type="checkbox"/> 0 Common Root Rot ( <i>Fusarium</i> , <i>Cochliobolus</i> and <i>Bipolaris</i> spp.)
<input checked="" type="checkbox"/> 0 Barley Yellow Dwarf Virus (BYDV)	<input checked="" type="checkbox"/> 0 Rhizoctonia Root Rot ( <i>Rhizoctonia solani</i> )
<input checked="" type="checkbox"/> 2 Soilborne Mosaic Virus (SBMV) Field races	<input checked="" type="checkbox"/> 0 Black Chaff ( <i>Xanthomonas campestris</i> pv. <i>translucens</i> )
<input checked="" type="checkbox"/> 3 Wheat Yellow (Spindle Streak) Mosaic Virus Field races	<input checked="" type="checkbox"/> 0 Bacterial Leaf Blight ( <i>Pseudomonas syringae</i> pv. <i>syringae</i> )
<input checked="" type="checkbox"/> 4 Wheat Streak Mosaic Virus (WSMV) Field races	<input type="checkbox"/> Other (specify) _____
<input type="checkbox"/> Other (specify) _____	<input type="checkbox"/> Other (specify) _____
<input type="checkbox"/> Other (specify) _____	<input type="checkbox"/> Other (specify) _____
<input type="checkbox"/> Other (specify) _____	<input type="checkbox"/> Other (specify) _____



15. INSECT: (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

200600235

PLEASE SPECIFY BIOTYPE (where needed)

MAH 9-22-06 ☒ 1 Hessian Fly (*Mayetiola destructor*)☐ Other (specify) \_\_\_\_\_☐ 0 Stem Sawfly (*Cephus* spp.)☐ Other (specify) \_\_\_\_\_☐ 0 Cereal Leaf Beetle (*Oulema melanopa*)☐ Other (specify) \_\_\_\_\_☐ 0 Russian Aphid (*Diuraphis noxia*)☐ Other (specify) \_\_\_\_\_☐ 0 Greenbug (*Schizaphis graminum*)☐ Other (specify) \_\_\_\_\_☐ 0 Aphids

16. ADDITIONAL INFORMATION ON ANY ITEM ABOVE, OR GENERAL COMMENTS:

None

***Exhibit D.***  
***Additional Description of NuDakota***

NuDakota (BC97ROM-50W) is a hard white winter wheat developed by Agripro for grain production. NuDakota is derived from a bulk population derived from the cross Jagger/Romanian Bulk. NuDakota is a medium height semidwarf variety, awned and has white chaff at maturity. It has medium late maturity and excellent straw strength. It has erect plant type, erect flag leaves and the spikes are upright at maturity. NuDakota is resistant to current central plains field races of stem rust, stripe rust and leaf rust. It is resistant to wheat soil-borne mosaic virus and tolerant to wheat streak mosaic virus and wheat spindle streak mosaic virus. NuDakota is tolerant to speckled leaf blotch and tan spot. NuDakota is best adapted to the northern high plains north of interstate 80.

Juvenile growth habit is semi-erect. Auricle anthocyanin and auricle hairs are present. Plant color at boot stage is dark green. Anther color is yellow. Flag leaf is erect and twisted at boot stage. Head shape is strap and awned. Glume shoulder shape is oblique with an acuminate beak. Glume length is midlong and glume width is midwide. Chaff color is white at maturity. Seed shape is elliptical with long brush hairs that occupy a large area. Seed crease depth is shallow and seed crease width is narrow. Seed cheeks are rounded.

# AgriPro Wheat Quality Data: 2004-2005

200600235

Variety	Year	Wht Prot	FirProt	NHrd	FirHrd	FirYld	Ash	Pk Time	PkHt	Tol	TR	Mixo Abs	BAbsor	Bake PKTime	Loaf	Grain	Tex	Color	FallNo
BC97ROM-50W	2005	14.4	12.8	68	104	68.5	0.46	3.50	5.25	944	5	67.5	67.5	3.0	955	5	3	4	
BC97ROM-50W	2005	13.2	12.1	68	105	69.2	0.45	3.25	5.25	1014	4	66.5	66.5	3.2	1025	4.5	3	3	
BC97ROM-50W	2005	11.7	10.6	46	80	70.4	0.39	3.50	4.75	1013	4.5	63.5	63.5	3.3	845	4	4	3	
BC97ROM-50W	2005	11.7	10.5	49	68	70.0	0.37	3.75	5.00	1032	5	62.0	62.0	3.5	945	4	3	3	163
BC97ROM-50W	2004	13.0		66															205
BC97ROM-50W	2004	11.8		36															200
BC97ROM-50W	2004	14.2	13.2	84	134	66.4	0.41	2.50	5.25	772	7		64.5	2.5	900	3	3	3	
BC97ROM-50W	2004	11.9	10.8	54	110	68.9	0.34	3.50	5.00	995	5		61.0	2.7	730	4	4	3	
TREGO	2005	13.7	12.5	77	112	71.2	0.44	2.75	5.25	1023	6	66.0	66.0	2.6	970	5	3	4	
TREGO	2005	12.6	11.5	66	110	70.4	0.47	2.75	5.25	516	8	65.0	65.0	2.5	985	5	3	4	
TREGO	2005	13.2	12.0	63	114	70.3	0.40	3.00	5.00	872	6	65.0	65.0	2.8	925	4	3	3	
TREGO	2005	11.7	10.0	45	73	69.3	0.37	3.00	4.75	688	7	61.0	61.0	3.0	955	7	3	3	288
Trego	2004	11.3		57															187
Trego	2004	12.0		61															234
TREGO	2004	12.3	11.4	86	132	65.3	0.43	2.00	5.00	555	8		62.0	2.0	880	4	3	3	
TREGO	2004	12.9	11.5	64	125	71.3	0.34	3.00	5.25	712	6		64.0	2.8	875	7	3	3	

TR: (Tolerance Rating) 1 = very weak, 9 = very strong

Grain, Texture, Color Rating: 1 = best score, 9 = worst score

## AgriPro Wheat

2004 - 2005 Summary Western High Plains

Variety	2004 Western Plains		2005 Nebraska		2005 Kansas		2004 - 2005 Average	
	Avg Yld	Avg Tw	Avg Yld	Avg Tw	Avg Yld	Avg Tw	Yield	TW
BC97ROM-50W	59	59	47	54	69	57	59	57
Jagalene	57	59	43	55	53	59	51	58
NuFrontier	55	61	41	57	53	57	50	58
NuHills	55	59	43	56	48	57	49	57
Jagger	55	60	35	51	53	56	48	55
Alliance	55	61	35	56	51	58	47	58
Wahoo	55	61	33	49	50	55	46	55
Milienium	55	60	32	52	50	56	46	56
Tam 111	53	61	34	52	47	56	45	56
GM 10006	53	61	34	54	46	58	44	58
Hawk	54	60	31	52	48	55	44	56
Above	52	59	30	50	47	54	43	55
Trego	53	63	22	47	41	57	38	56
Average	54	60	35	53	50	57		

2005 = Nebraska; Paxton, Sydney

2005 = Kansas; Quinter, Goodland, Manter, Hugoton

2004 = Mantor, Paxton, Sidney, Otis

200600235

NuDakota (BC97ROM-50W)

**Agronomics & Disease characteristics**

	<b>AgriPro rating</b>	<b>Source</b>
Barley Yellow Dwarf Virus: n/a	n/a	
Head scab: n/a	n/a	
Hessian Fly: susceptible	9	SRPN
Leaf Rust: resistant	2	AgriPro & SRPN
Stem Rust: resistant	1	SRPN
Stripe Rust: resistant	1	AgriPro & SRPN
Septoria leaf blotch: moderately resistant	4	AgriPro
Tan Spot: moderately resistant	4	AgriPro
Wheat soil borne mosaic virus: resistant	1	AgriPro & SRPN
Wheat spindle streak mosaic virus: intermediate	5	AgriPro
Wheat streak mosaic virus: moderately resistant	4	AgriPro
Coleoptile length: medium	5	AgriPro
Grazing potential: n/a	n/a	
Height: medium	4	AgriPro & SRPN
Maturity: medium late	4	AgriPro & SRPN
Preharvest sprouting tolerance: poor	8	AgriPro
Milling & baking quality: good	good	AgriPro & SRPN
Protein: average	average	AgriPro & SRPN
Seed size: average	average	AgriPro & SRPN
Shattering reputation: very good	3	AgriPro
Straw strength: excellent	2	AgriPro & SRPN
Test Weight: average	5	AgriPro & SRPN
Winterhardiness: good	4	AgriPro & SRPN
Yield Potential where adapted: excellent		AgriPro

Rating: 1 = best score (resistant, short, strong straw, early, etc.), 9 = worst score (susceptible, tall, weak straw, late, etc.) "4" rating for maturity is considered medium late.

Other Data on yield, agronomics, and disease available at USDA Regional Data base (Southern Regional Performance Nursery - 2005)

Internet Link: <http://www.ars.usda.gov/aboutus/docs.htm?docid=4972>

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

EXHIBIT E  
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S)  Syngenta Seeds, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER BC97ROM-50W	3. VARIETY NAME  NuDakota
4. ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country)  6515 Ascher Road  Junction City, Kansas 66441	5. TELEPHONE (include area code)  785-210-0218	6. FAX (include area code)  785-210-0231
	7. PVPO NUMBER  200600235	

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain ☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO

10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

Please see following page.

## PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

***Exhibit E.******Statement of the Basis of Applicant's Ownership***

The variety for which Plant Variety Protection is hereby sought was developed by Rollin Sears, an employee of Syngenta Seeds, Inc. By agreement between employees and Syngenta, all rights to any invention, discovery, or development made by the employee while employed by Syngenta, were assigned to Syngenta Seeds, Inc., with no rights of any kind pertaining to 'NuDakota' being retained by the employees.

The variety 'NuDakota' is owned by Syngenta Seeds, Inc.